

REMARKS

Applicant thanks the Examiner for the allowance of claims 1, 5-9, 12, and 39-42 in the Office Action dated August 12, 2009. In order to expedite the allowance of this application, Applicant respectfully cancels claims 46 and 47 without prejudice and reserves the right to include such claims in a different application. Upon entry of this amendment, claims 1, 5-9, 12, and 39-42 would be pending and allowed.

Applicant filed a Supplemental Information Disclosure Statement on October 26, 2009 in which U.S. Patent No. 4,329,814 to Blich was listed. This filing date of the Supplemental IDS occurred after the mailing date of the subject Office Action. Applicant reviewed the complete file of the present application and was unable to find any indication that the Office has considered the claims in view of the Blich reference. Therefore, Applicant wishes to offer observations at this time to clearly distinguish the present invention from the disclosure of Blich.

As noted in the Abstract of Blich:

“In practice, when the plant is watered, a certain amount of water is trapped between the conduit and the side walls of the flower pot toward the bottom of the pot so that the entire soil within the pot stays moist for prolonged periods of time, thus providing good growing conditions for the plant.”

In contrast, the present invention provides a conduit for movement of water into and out of the pot preferably through a column of growth medium. This avoids the problem so clearly defined in Blich, at column 2, lines 38 to 46 where it is stated:

Thus, while it is recognized that roots extending below the dashed line 22 may not, in the case of a number of varieties of plants, grow properly in the supersaturated wet soil, there is adequate space maintained above the line 22, for adequate development and growth of the plant; and on balance, the resultant moisture which is saved by the unit 14, 16, will result in healthier and longer-lived plants, with the usual irregular care provided to the plants.

It is clear that line 22 of FIG. 1 of Blich creates a cut off point at or around the upper level of the upstanding pipe. This is in distinct contrast to the present invention where roots are encouraged to grow into the space below an upper edge of the one or more liquid transfer conduits. This is, in fact, part of the invention adaptation to resist root escape. The transfer of liquid into and out of the pot retains a healthy basal layer of growth medium so that the roots may flourish and curl around below an upper limit of the liquid transfer conduit thereby avoiding exit through the internal aperture and resulting in occlusion and embarrassment to the growth and health of a plant.

As a result of the roots being maintained above the dashed line 22 of Blich, the prospects of root exit and blockage of the conduit are increased.

The point is again highlighted at column 2, lines 34 to 37 of Blich where it is stated:

This leaves 3 to 4 inches of soil which will not only drain properly but be maintained moist by contact with the initially saturated and wet soil below the dashed line 22.

This soil is provided for the plant growth and the basal soil layer is used simply as a “holding tank” for water. Applicant therefore submits that Blich does not impact on the novelty or inventiveness of its present application.

Applicant believes that it has replied to every ground of objection and rejection in the prior Office Action and requests reconsideration of the application in view of the cancellation of claims and the remarks above. Applicant further believes that it has also provided sufficient reasons as to why the presently claimed invention is both novel and inventive over the cited prior art and also carries with it significant practical and commercial advantages. Applicant thanks the Examiner for the careful consideration of this matter.

While applicant believes that no fee is due in relation to the filing of this paper, the Commissioner is authorized to charge Deposit Account No. 06-2425 in the event that a fee is in fact due.

Respectfully submitted,

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